

Remarks

Claims 1, 5, and 15 are amended. Claims 23-26 are new. No new subject matter has been added. Reconsideration and allowance of claims 1-26 is respectfully requested in light of the following remarks.

Objections to the Specification

The objection to the specification has been remedied by deleting the unnecessary sentence at page 3, paragraph 1.

Objections to the Claims

Claim 15 is objected to because it recites "the handle" rather than "a handle." The appropriate amendment to claim 15 has been made.

Allowable Subject Matter

Claims 16-22 are allowed.

Claims 5 and 7 are objected to as being dependent upon a rejected base claim but are otherwise indicated to be allowable if rewritten in independent form. At this time, the applicants wish to keep claims 5 and 7 in dependent form so that the amendment to claim 1 may be fully considered.

Claim Rejections – 35 USC § 102

Claims 1-2, 4, 6 and 8-15 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Pat. No. 4,669,582 to Sandreid ("Sandreid"). The applicants disagree.

Claim 1 is amended to recite, *inter alia*, an upper brake having a first pivot hole, a second pivot hole, and a handle, wherein the first pivot hole is configured to be linked to an end of a rope. This amendment is fully supported by the original application at, e.g., FIGs. 5A and 5B.

To the contrary, it is apparent that the alleged first pivot hole 27 of Sandreid's gripping device is not configured to be linked to an end of a rope (see, e.g., FIGS. 1, 3, and 4). Consequently, Sandreid fails to anticipate claim 8 because it fails to show the identical invention in as complete detail as contained in the claim. MPEP 2131, citing Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236 (Fed. Cir. 1989).

Claim 5 is amended for consistency with claim 1 – the recited "a rope" has been changed to "a portion of the rope." No new subject matter is added.

Claims 2, 4, and 6 depend from claim 1, and inherently contain the features of claim 1. Consequently, Sandreid also fails to anticipate claims 2, 4, and 6 for at least the same reason as claim 1.

Claim 8 is amended to recite, *inter alia*, a quadrilateral linkage configured to adjust a distance between the first braking surface and the second braking surface and configured to adjust an amount of bend in a rope aligned between the first braking surface and the second braking surface. This amendment is fully supported by the original application at, e.g., claim 19, which has been allowed.

Sandreid's gripping device clearly does not adjust an amount of bend in a rope aligned between the first braking surface and the second braking surface (see, e.g., FIG. 4). Consequently, Sandreid fails to anticipate claim 8 because it fails to show the identical invention in as complete detail as contained in the claim. MPEP 2131, *citing Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236 (Fed. Cir. 1989).

Claims 9-15 depend from claim 8, and inherently contain the features of claim 8. Consequently, Sandreid also fails to anticipate claims 9-15 for at least the same reason as claim 8.

Claim Rejections – 35 USC § 103

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sandreid. The applicants disagree.

Claim 3 depends from claim 1. Sandreid does not establish *prima facie* obviousness for claim 1, because, as explained above, Sandreid fails to teach or suggest every feature of the claim. MPEP 2143.03. Consequently, Sandreid also fails to establish *prima facie* obviousness for claim 3 because any claim that depends from a nonobvious independent claim is also nonobvious. MPEP 2143.03, *citing In re Fine*, 837 F.2d 1071 (Fed. Cir. 1988).

New Claims 23-26

New claims 23-26, each of which depends from claim 1, are added.

Claim 23 recites that the rope management device is configured to control a load that is linked to the device at the third pivot hole by operating on a portion of the rope that is aligned between the upper brake and the lower brake. This subject matter is fully supported by the original application at, e.g., FIGS. 5A, 5B, and accompanying description.

Contrary to claim 23, it is apparent that Sandreid's gripping device is not configured to control a load attached to the device at the alleged third pivot hole 24 (FIG. 4).

Claim 24 recites that the rope management device is configured to remain unanchored to a supporting surface while in operation. This subject matter is fully supported by the original application at, e.g., page 9, line 31 to page 10, line 3.

Contrary to claim 24, it is apparent that Sandreid's gripping device is meant to be anchored to a supporting surface, such as the deck of a ship, while in operation (column 8, lines 19-24).

Claim 25 recites that the first pivot hole has a larger diameter than the second pivot hole and the third pivot hole has a larger diameter than the fourth pivot hole. This subject matter is fully supported by the original application at, e.g., FIGS. 4-7.

Contrary to claim 25, it is apparent that the alleged first pivot hole (27) does not have a larger diameter than the alleged second pivot hole (26), nor does the alleged third pivot hole (24) have a larger diameter than the alleged fourth pivot hole (25) (FIG. 4).

Claim 26 recites that the rope management device is configured to perform a self-advancing function. This subject matter is fully supported by the original application at, e.g., page 9, line 31 to page 10, line 3.

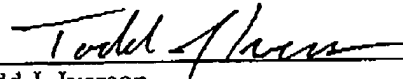
Contrary to claim 26, it is apparent that Sandreid's gripping device cannot perform a self-advancing function because the device is meant to be anchored to a supporting surface, such as the deck of a ship, while in operation (column 8, lines 19-24).

Conclusion

For the foregoing reasons, reconsideration and allowance of claims 1-26 of the application as amended is requested. Please telephone the undersigned at (503) 222-3613 if it appears that an interview would be helpful in advancing the case.

Respectfully submitted,

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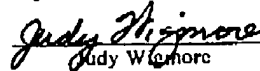


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